

Calendar No. 374

103D CONGRESS  
2D SESSION

**S. 313**

[Report No. 103-230]

**A BILL**

To amend the San Juan Basin Wilderness Protection Act of 1984 to designate additional lands as wilderness and to establish the Fossil Forest Research Natural Area, and for other purposes.

FEBRUARY 25 (legislative day, FEBRUARY 22), 1994  
Reported with amendments

**Calendar No. 374**

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 313**

**[Report No. 103-230]**

To amend the San Juan Basin Wilderness Protection Act of 1984 to designate additional lands as wilderness and to establish the Fossil Forest Research Natural Area, and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

FEBRUARY 4 (legislative day, JANUARY 5), 1993

Mr. DOMENICI (for himself and Mr. BINGAMAN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

FEBRUARY 25 (legislative day, FEBRUARY 22), 1994

Reported by Mr. JOHNSTON, with amendments

[Omit the part struck through and insert the part printed in italic]

---

**A BILL**

To amend the San Juan Basin Wilderness Protection Act of 1984 to designate additional lands as wilderness and to establish the Fossil Forest Research Natural Area, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Bisti/De-Na-Zin  
3 Wilderness Expansion and Fossil Forest Protection Act”.

4 **SEC. 2. BISTI/DE-NA-ZIN WILDERNESS.**

5 (a) WILDERNESS DESIGNATION.—Section 102 of the  
6 San Juan Basin Wilderness Protection Act of 1984 (Pub-  
7 lic Law 98–603) is amended—

8 (1) in subsection (a)—

9 (A) by striking “wilderness, and, there-  
10 fore,” and all that follows through “System—  
11 ” and inserting “wilderness areas, and as one  
12 component of the National Wilderness Preser-  
13 vation System, to be known as the ‘Bisti/De-  
14 Na-Zin Wilderness’—”;

15 (B) in paragraph (1), by striking “, and  
16 which shall be known as the Bisti Wilderness;  
17 and” and inserting a semicolon;

18 (C) in paragraph (2), by striking “, and  
19 which shall be known as the De-na-zin Wilder-  
20 ness.” and inserting “; and”; and

21 (D) by adding at the end the following new  
22 paragraph:

23 “(3) certain lands in the Farmington District of  
24 the Bureau of Land Management, New Mexico,  
25 which comprise approximately 16,674 acres, as gen-  
26 erally depicted on a map entitled ‘Bisti/De-Na-Zin

1 Wilderness Amendment Proposal', dated May  
2 1992.”;

3 (2) in the first sentence of subsection (c), by in-  
4 serting after “of this Act” the following: “with re-  
5 gard to the areas described in paragraphs (1) and  
6 (2) of subsection (a), and as soon as practicable  
7 after the date of enactment of subsection (a)(3) with  
8 regard to the area described in subsection (a)(3)”;

9 (3) in subsection (d), by inserting after “of this  
10 Act” the following: “with regard to the areas de-  
11 scribed in paragraphs (1) and (2) of subsection (a),  
12 and where established prior to the date of enactment  
13 of subsection (a)(3) with regard to the area de-  
14 scribed in subsection (a)(3)”;

15 (4) by adding at the end the following new sub-  
16 section:

17 “(e)(1) ~~The lands~~ *Subject to valid existing rights, the*  
18 *lands* described in subsection (a)(3) are withdrawn from  
19 all forms of appropriation under the mining laws and from  
20 disposition under all laws pertaining to mineral leasing,  
21 geothermal leasing, and mineral material sales.

22 “~~(2) To satisfy valid existing rights, the Secretary of~~  
23 ~~the Interior may follow the lease exchange procedures~~  
24 ~~specified in sections 3430.5 and 3435 of title 43, Code~~  
25 ~~of Federal Regulations, on any coal preference right lease~~

1 application for lands within the area described in sub-  
 2 section (a)(3) if the applicant demonstrates that coal ex-  
 3 ists in commercial quantities on the lands that are the  
 4 subject of the application.

5       “(2) The Secretary of the Interior is authorized to issue  
 6 coal leases in New Mexico in exchange for any preference  
 7 right coal lease application within the area described in  
 8 section 2(a)(3). Such exchanges shall be made in accordance  
 9 with applicable existing laws and regulations relating to  
 10 coal leases after a determination has been made by the Sec-  
 11 retary that the applicant is entitled to a preference right  
 12 lease and that the exchange is in the public interest.

13       “(3) Operations on oil and gas leases issued prior to  
 14 the date of enactment of subsection (a)(3) shall be subject  
 15 to the applicable provisions of Group 3100 of title 43,  
 16 Code of Federal Regulations (including section 3162.5–  
 17 1), and such other terms, stipulations, and conditions as  
 18 the Secretary of the Interior considers necessary to avoid  
 19 significant disturbance of the land surface or impairment  
 20 of the ecological, educational, scientific, recreational, sce-  
 21 nic, and other wilderness values of the lands described in  
 22 subsection (a)(3) in existence on the date of enactment  
 23 of subsection (a)(3).”.

24       (b) EXCHANGES FOR STATE LANDS.—Section 104 of  
 25 the Act is amended—

1           (1) in the first sentence of subsection (b), by in-  
2       serting after “of this Act” the following: “with re-  
3       gard to the areas described in paragraphs (1) and  
4       (2) of subsection (a), and not later than 120 days  
5       after the date of enactment of subsection (a)(3) with  
6       regard to the area described in subsection (a)(3)”;

7           (2) in subsection (c), by inserting before the pe-  
8       riod the following: “with regard to the areas de-  
9       scribed in paragraphs (1) and (2) of subsection (a),  
10      and as of the date of enactment of subsection (a)(3)  
11      with regard to the area described in subsection  
12      (a)(3)”;

13          (3) in the last sentence of subsection (d), by in-  
14      serting before the period the following: “with regard  
15      to the areas described in paragraphs (1) and (2) of  
16      subsection (a), and not later than 2 years after the  
17      date of enactment of subsection (a)(3) with regard  
18      to the area described in subsection (a)(3)”.

19          (c) EXCHANGES FOR INDIAN LANDS.—Section 105  
20      of the Act is amended by adding at the end the following  
21      new subsection:

22          “(d)(1) The Secretary of the Interior shall exchange  
23      any lands held in trust for the Navajo Tribe by the Bureau  
24      of Indian Affairs that are within the boundary of the area  
25      described in subsection (a)(3).

1       “(2) The lands shall be ~~exchanged for lands ex-~~  
 2       *changed for lands within New Mexico* approximately equal  
 3       in value that are selected by the Navajo Tribe.

4       “(3) After the exchange, the lands selected by the  
 5       Navajo Tribe shall be held in trust by the Secretary of  
 6       the Interior in the same manner as the lands described  
 7       in paragraph (1).”.

8       **SEC. 3. FOSSIL FOREST RESEARCH NATURAL AREA.**

9       Section 103 of the San Juan Basin Wilderness Pro-  
 10       tection Act of 1984 (Public Law 98–603) is amended to  
 11       read as follows:

12       **“SEC. 103. FOSSIL FOREST RESEARCH NATURAL AREA.**

13       “(a) ESTABLISHMENT.—To conserve and protect  
 14       natural values and to provide scientific knowledge, edu-  
 15       cation, and interpretation for the benefit of future genera-  
 16       tions, there is established the Fossil Forest Research Nat-  
 17       ural Area (referred to in this section as the ‘Area’), con-  
 18       sisting of the approximately 2,770 acres in the Farming-  
 19       ton District of the Bureau of Land Management, New  
 20       Mexico, as generally depicted on a map entitled ‘Fossil  
 21       Forest’, dated June 1983.

22       “(b) MAP AND LEGAL DESCRIPTION.—

23       “(1) IN GENERAL.—As soon as practicable  
 24       after the date of enactment of this paragraph, the  
 25       Secretary of the Interior shall file a map and legal

1 description of the Area with the Committee on En-  
2 ergy and Natural Resources of the Senate and the  
3 Committee on Natural Resources of the House of  
4 Representatives.

5 “(2) FORCE AND EFFECT.—The map and legal  
6 description described in paragraph (1) shall have the  
7 same force and effect as if included in this Act.

8 “(3) TECHNICAL CORRECTIONS.—The Sec-  
9 retary of the Interior may correct clerical, typo-  
10 graphical, and cartographical errors in the map and  
11 legal description subsequent to filing the map pursu-  
12 ant to paragraph (1).

13 “(4) PUBLIC INSPECTION.—The map and legal  
14 description shall be on file and available for public  
15 inspection in the Office of the Director of the Bu-  
16 reau of Land Management, Department of the Inte-  
17 rior.

18 “(c) MANAGEMENT.—

19 “(1) IN GENERAL.—The Secretary of the Inte-  
20 rior, acting through the Director of the Bureau of  
21 Land Management, shall manage the Area—

22 “(A) to protect the resources within the  
23 Area; and

24 “(B) in accordance with—

25 “(i) this Act;



“(ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

“(iii) other applicable provisions of law.

“(2) MINING.—

“(A) WITHDRAWAL.—~~The lands~~ *Subject to valid existing rights, the lands* within the Area are withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral leasing, geothermal leasing, and mineral material sales.

“(B) COAL PREFERENCE RIGHTS.—~~To satisfy valid existing rights, the Secretary of the Interior may follow the lease exchange procedures specified in sections 3430.5 and 3435 of title 43, Code of Federal Regulations, on any coal preference right lease application for lands within the Area if the applicant demonstrates that coal exists in commercial quantities on the lands that are the subject of the application.~~

“(B) COAL PREFERENCE RIGHTS.—*The Secretary of the Interior is authorized to issue coal leases in New Mexico in exchange for any preference right coal lease application within the*

1        *Area. Such exchanges shall be made in accord-*  
 2        *ance with applicable existing laws and regula-*  
 3        *tions relating to coal leases after a determination*  
 4        *has been made by the Secretary that the appli-*  
 5        *cant is entitled to a preference right lease and*  
 6        *that the exchange is in the public interest.*

7            “(C) OIL AND GAS LEASES.—Operations  
 8        on oil and gas leases issued prior to the date of  
 9        enactment of this paragraph shall be subject to  
 10       the applicable provisions of Group 3100 of title  
 11       43, Code of Federal Regulations (including sec-  
 12       tion 3162.5–1), and such other terms, stipula-  
 13       tions, and conditions as the Secretary of the In-  
 14       terior considers necessary to avoid significant  
 15       disturbance of the land surface or impairment  
 16       of the natural, educational, and scientific re-  
 17       search values of the Area in existence on the  
 18       date of enactment of this paragraph.

19           “(3) GRAZING.—Livestock grazing on lands  
 20       within the Area may not be permitted.

21           “(d) INVENTORY.—Not later than 3 full fiscal years  
 22       after the date of enactment of this subsection, the Sec-  
 23       retary of the Interior, acting through the Director of the  
 24       Bureau of Land Management, shall develop a baseline in-  
 25       ventory of all categories of fossil resources of fossil re-

1 *sources within the Area.* After the inventory is developed,  
 2 the Secretary shall conduct monitoring surveys at intervals  
 3 specified in the management plan developed for the Area  
 4 in accordance with subsection (e).

5 “(e) MANAGEMENT PLAN.—

6 “(1) IN GENERAL.—~~Not later than the last day~~  
 7 ~~of the 5th fiscal year that begins after the date of~~  
 8 ~~enactment of this subsection~~ *Not later than 5 years*  
 9 *after the date of enactment of this Act,* the Secretary  
 10 of the Interior shall develop and submit to the Com-  
 11 mittee on Energy and Natural Resources of the Sen-  
 12 ate and the Committee on Natural Resources of the  
 13 House of Representatives a management plan that  
 14 describes the appropriate uses of the Area consistent  
 15 with this Act.

16 “(2) CONTENTS.—The management plan shall  
 17 include—

18 “(A) a plan for the implementation of a  
 19 continuing cooperative program with other  
 20 agencies and groups for—

21 “(i) laboratory and field interpreta-  
 22 tion; and

23 “(ii) public education about the re-  
 24 sources and values of the Area (including  
 25 vertebrate fossils);

1           “(B) provisions for vehicle management  
2           that are consistent with the purpose of the Area  
3           and that provide for the use of vehicles to the  
4           minimum extent necessary to accomplish an in-  
5           dividual scientific project;

6           “(C) procedures for the excavation and col-  
7           lection of fossil remains, including botanical fos-  
8           sils, and the use of motorized and mechanical  
9           equipment to the minimum extent necessary to  
10          accomplish an individual scientific project; and

11          “(D) mitigation and reclamation standards  
12          for activities that disturb the surface to the det-  
13          riment of scenic and environmental values.”.

○